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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,118	07/15/2003	Hisashi Suekane	MPO-PT005	7860
3624 7590 07/18/2008 VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER WORKU, NEGUSSIE	
			ART UNIT 2625	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/620,118

Applicant(s)

SUEKANE ET AL.

Examiner

NEGUSSIE WORKU

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-12, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/05/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: _____.

DETAILED ACTION

Election/restriction

1. Applicant's election of Group I, corresponding to claims 1, 3-12 and 26-27, in reply filed on 04/23/08 are acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP 818-103(a)).

Response to Arguments

2. Applicant's arguments see applicant's response, filed, on 12/11/07, with respect to the rejection(s) of claim(s) 1, 3-12 and 26-27, have been fully considered, but are moot in view of the new ground(s) of rejection. Applicant argues, (USPN 5,479,206, Ueno et al. does not teach that a white balance processing apparatus to detect a white balance value from a taken image, and to correct the detected white balance value so as to set the corrected, detected white balance value to a white balance processing means as amended in claims 1, 8, 10, 12 and 26, respectively.

Upon further review, the examiner has incorporated (Hoshuyama USPN 7184079), to further teach this limitation.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-12 and 26-27 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ueno et al. (USP 5,479,206), in view of Hoshuyama (USP 7,184,079).

With respect to claim 1, Ueno et al. teaches a white balance processing apparatus (as shown fig 2) comprising: white balance processing means (processing means 14 of fig 2) for effecting white balance processing on a taken image based on a set white balance value (col.14, line 28-33); storage means for storing white balance values set for the taken image obtained in past image taking and employed in said white balance processing (col.14, line 29-33); and employed value setting means (display 40 of fig 2, for setting a white balance value, such as color, gray scale value) for setting a white balance value employed in the past, stored in the storage means (memory 32 of fig 2) as the white balance value for the taken image (col.13, line 25-31).

Ueno does not teach or disclose detected value setting means for detecting and setting a white balance value to be set to said white balance processing means from the taken image; correction means for correcting said detected white balance value and corrected detected value setting means for setting said corrected detected white

balance value to said white balance processing means, wherein said storage means additionally stores said corrected detected white balance value set and employed at said white balance processing means as a white balance value employed in the past.

Hoshuyama (079), teaches detected value setting means for detecting and setting a white balance value to be set to said white balance processing means from the taken image, (white balance sensor 86 of fig 1, [i.e., a detecting means, for setting and detecting white balance value, in which a subject image is formed, col.4, lines 10-15 and col.3, lines 5-10 and 15-20); correction means for correcting said detected white balance value and corrected detected value setting means for setting said corrected detected white balance value to said white balance processing means (CPU 35C generate white balance adjustment setting, and white balance adjustment is performed within image processing CPU 29 of fig 2, col.5, lines 25-35), wherein said storage means additionally stores said corrected detected white balance value set and employed at said white balance processing means as a white balance value employed in the past (corrected white balance data (value) stored in CPU 21 of fig 2, and stored at register within the CPU 21 in advance, col.5, lines 10-15).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging device of Ueno (206), in view of Hoshuyama (079), for the purpose of obtaining a perfect final image, for all the prints of different color to be exactly superimpose, and therefore, it should be clear to one skilled in the art that anyone of a wide variety of image processing method and/or

device, can be similarly employed to accomplish this desired result without depending from the teaching of the present invention.

With respect to claim 3, Ueno et al. teaches the white balance processing apparatus (fig 2), further comprising: selection means (menu display means 126 of fig 8, for selection of value settings) for selecting said employed value setting means or said detected value setting means as means (125 of fig 3) for setting said white balance value (col.14, lines 43-49); and forced setting means (125 of fig 8) for, when said detected value setting means is selected by the selection means, (menu display 126 of fig 8) switching said detected value setting means to said employed value setting means only during a specifically designated period (col.14, lines 15-25).

With respect to claim 4, Ueno et al. teaches the white balance processing apparatus (fig 2), the white balance processing apparatus (fig 1) further comprising: display means for displaying taken images processed of said white balance processing with using said set white balanced value and register means (memory 22 of fig 1) for causing the white balance value employed in the white balance processing of the taken image displayed on a display means (126 of fig 1) to be stored to said storage means (32 of fig 2, for storing white balance processing value, col.14, lines 29-35), stored to said storage means (memory 22 of fig 1) based on an instruction from a photographer (instruction in putted to the taken image is stored in the memory 22 of fig 1).

With respect to claim 5, Ueno et al. teaches the white balance processing apparatus (fig 2), further comprising: preset value storage means (memory 17c of fig 1, stores a value for processing a scanned image) for previously storing preset white balance values that are white balance values (col.14, lines 29-35); corrected preset value setting means (mouse 37 of fig 8, for setting correction value) for correcting said preset white balance values by said correction means and setting the corrected preset white balance value to said white balance processing means (col.14, lines 65-68); wherein said storage means (17c of fig 1) stores said corrected preset white balance value set and employed in said white balance processing as said white balance value employed in the past (col.14, lines 28-33).

With respect to claim 6, Ueno et al. teaches the white balance processing apparatus (fig 2), further comprising: retaining means (memory 32 of fig 2) for retaining a white balance value employed in the white balance processing at said white balance processing means (processor 18 of fig 1, col.13, lines 12-15); and register means (CPU 31 of fig 2) for registering the white balance value retained at the retaining means to said storage means based on an instruction from a photographer (32 of fig 2, col.13, lines 10-15).

With respect to claim 7, Ueno et al. teaches the white balance processing apparatus (fig 2), wherein said retaining means (memory 32 of fig 2) retains a plurality

of white balance values employed in said white balance processing, and wherein said register means (CPU 31 of fig 2) selects a predetermined white balance value from said plurality of white balance values and registers it to said storage means based on an instruction from a photographer (32 of fig 2, col.13, lines 10-15).

With respect to claim 8, Ueno et al. teaches the white balance processing apparatus (fig 2), white balance processing means (processor 18 of fig 2) for effecting white balance processing on a taken image based on a set white balance value (col.23, lines 10-15); reproduction means for reading recorded image data for reproduction (col.13, lines 25-30); selection means (display of fig 1, a means for selection for selecting desired image data from a reproduced image (col.13, lines 15-20); and setting means (37 of fig 8) for setting, as the white balance value for said white balance processing, on the taken image a white balance value, employed in white balance processing of that taken image corresponding to said selected image data and employed in white balance processing of image data, (col.13, lines 29-33),

Ueno does not teach or disclose white balance adjustment is performed within image processing, wherein said storage means additionally stores said corrected detected white balance value set and employed at said white balance processing means as a white balance value employed in the past.

Hoshuyama '079', teaches white balance adjustment is performed within image processing CPU 29 of fig 2, col.5, lines 25-35), wherein said storage means additionally stores said corrected detected white balance value set and employed at said white

balance processing means as a white balance value employed in the past (corrected white balance data (value) stored in CPU 21 of fig 2, and stored at register within the CPU 21 in advance, col.5, lines 10-15).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging device of Ueno (206), in view of Hoshuyama (079), for the purpose of obtaining a perfect final image, for all the prints of different color to be exactly superimpose, and therefore, it should be clear to one skilled in the art that anyone of a wide variety of image processing method and/or device, can be similarly employed to accomplish this desired result without depending from the teaching of the present invention.

With respect to claim 9, Ueno et al. teaches the white balance processing apparatus (fig 2), further comprising: setting enabling means (various display screen 40 of fig 8) for enabling a setting of said white balance value only when there is a coincidence between presence/absence of flash emission for the taken image and presence/absence of flash emission for image taken at the time of acquiring the white balance value set for the white balance processing of said taken image (col.14, lines 42-50).

With respect to claim 10, Ueno et al. teaches the white balance processing method (fig 2), comprising the steps of: storing a white balance value employed in white balance processing of past taken image (col.13, lines 22-30); setting and stored balance

value employed in the past as a custom white balance value for the taken image; and effecting white balance processing on the taken image based on said set custom white balance value (col.13, lines 22-30).

Ueno does not teach or disclose white balance adjustment is performed within image processing, wherein said storage means additionally stores said corrected detected white balance value set and employed at said white balance processing means as a white balance value employed in the past, corrected based on an instruction from a photographer, and is the white balance value employed in white balance processing of the taken image.

Hoshuyama '079' teaches white balance adjustment is performed within image processing CPU 29 of fig 2, col.5, lines 25-35), wherein said storage means additionally stores said corrected detected white balance value set and employed at said white balance processing means as a white balance value employed in the past corrected based on an instruction from a photographer, and is the white balance value employed in white balance processing of the taken image, (corrected white balance data (value) stored in CPU 21 of fig 2, and stored at register within the CPU 21 in advance, col.5, lines 10-15).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging device of Ueno (206), in view of Hoshuyama (079), for the purpose of obtaining a perfect final image, for all the prints of different color to be exactly superimpose, and therefore, it should be clear to one skilled in the art that anyone of a wide variety of image processing method and/or

device, can be similarly employed to accomplish this desired result without depending from the teaching of the present invention.

With respect to claim 11, Ueno et al. teaches the white balance processing method (fig 2), wherein said stored white balance value employed in the past is a white balance read out of a previously stored preset white balance value and corrected based on said instruction from the photographer and is the white balance value employed in the white balance processing of the taken image, (col.13, lines 29-33).

With respect to claim 12, Ueno et al. teaches a computer-readable medium encoded with computer-executable white balance processing instructions including the procedures of: storing a white balance value employed in white balance processing of past taken image (the step of processing in the image processing means 18 is executed by program stored in computer 30 of fig 1); setting said stored white balance value employed in the past as a custom white balance value for the taken image; and effecting white balance processing on the taken image based on said set custom white balance value; wherein said stored white balance value employed in the past is a white balance value detected from the taken image subjected to processing in the past and corrected based on an instruction from a photographer, and is the white balance value employed in white balance processing of the taken image, (col.14, lines 28-34).

Ueno does not teach or disclose white balance adjustment is performed within image processing, wherein said storage means additionally stores said corrected detected white balance value set and employed at said white balance processing means as a white balance value employed in the past, corrected based on an instruction from a photographer, and is the white balance value employed in white balance processing of the taken image.

Hoshuyama '079' teaches white balance adjustment is performed within image processing CPU 29 of fig 2, col.5, lines 25-35), wherein said storage means additionally stores said corrected detected white balance value set and employed at said white balance processing means as a white balance value employed in the past corrected based on an instruction from a photographer, and is the white balance value employed in white balance processing of the taken image, (corrected white balance data (value) stored in CPU 21 of fig 2, and stored at register within the CPU 21 in advance, col.5, lines 10-15).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging device of Ueno (206), in view of Hoshuyama (079), for the purpose of obtaining a perfect final image, for all the prints of different color to be exactly superimpose, and therefore, it should be clear to one skilled in the art that anyone of a wide variety of image processing method and/or device, can be similarly employed to accomplish this desired result without depending from the teaching of the present invention.

With respect to claim 26, Ueno et al. a digital camera, (fig 2) including a white balance processing apparatus, (18 of fig 1) the apparatus comprising: white balance processing means (processor 18 of fig 1, having a white or black or color balance processing capability) for effecting white balance processing on a taken image based on a set white balance value (as discussed in col.14, lines 13, lines 20-30); storage means (memory 17c of fig 2) for storing white balance values set for the taken image obtained at a time of past image taking and employed in said white balance processing (col.14, lines 30-35); and custom value setting means (set up area 120 of fig 8, col.14, lines 45-55) for setting a white balance value employed in the past, stored in the storage means (17c of fig 8) as a custom white balance value for the taken image (col. 14, lines 50-55).

Ueno does not teach or disclose detected value setting means for detecting and setting a white balance value to be set to said white balance processing from the taken image; correction means for correcting said detected white balance value; and corrected detected value setting means for setting said corrected detected white balance value to said white balance processing means wherein said storage means additionally stores said corrected detected white balance value set to and employed in said white balance processing as a white balance value employed in the past. .

Hoshuyama (079), teaches detected value setting means for detecting and setting a white balance value to be set to said white balance processing means from the taken image, (white balance sensor 86 of fig 1, [i.e., a detecting means, for setting and

detecting white balance value, in which a subject image is formed, col.4, lines 10-15 and col.3, lines 5-10 and 15-20); correction means for correcting said detected white balance value and corrected detected value setting means for setting said corrected detected white balance value to said white balance processing means (CPU 35C generate white balance adjustment setting, and white balance adjustment is performed within image processing CPU 29 of fig 2, col.5, lines 25-35), wherein said storage means additionally stores said corrected detected white balance value set and employed at said white balance processing means as a white balance value employed in the past (corrected white balance data (value) stored in CPU 21 of fig 2, and stored at register within the CPU 21 in advance, col.5, lines 10-15).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging device of Ueno (206), in view of Hoshuyama (079), for the purpose of obtaining a perfect final image, for all the prints of different color to be exactly superimpose, and therefore, it should be clear to one skilled in the art that anyone of a wide variety of image processing method and/or device, can be similarly employed to accomplish this desired result without depending from the teaching of the present invention.

With respect to claim 27, Ueno et al. teaches the digital camera (cameras 10 of fig 1), wherein the white balance processing apparatus (as shown in fig 1 through 5) further comprises: setting enabling means (host computer 30, which includes CPU 31 for overall operation of the apparatus of fig 2, is supervised) for enabling a setting of

said white balance value only when there is a coincidence between presence/absence of flash emission for the taken image and presence/absence of flash emission for image taken at the time of acquiring the white balance value set for the white balance processing of said taken image (host computer 30, which includes CPU 31 for overall operation of the apparatus of fig 2, is supervised, includes acquiring the white balance value set for the white balance processing of said taken image, col.13, lines 15-30).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2625

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEGUSSIE WORKU whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/

Examiner, Art Unit 2625

/Edward L. Coles/

Supervisory Patent Examiner, Art Unit 2625